

REMARKS/ARGUMENTS:

Claims 1-5 are pending in this Application. In the non-final Office Action dated July 21st, 2004, the Office Action Summary page recited that claims 1-4 are rejected and claims 4-5 are objected to. However, the Detailed Action pages of that Office Action recite that claims 1-3 are rejected and claims 4-5 are allowed. As the Detailed Action pages are more particularized and recite no objection/rejection to claims 4-5, the Applicant responds to the substance recited in the Detailed Action pages and takes claims 4-5 as allowed, as they were in the Office Action dated January 14, 2004. The Examiner has rejected claims 1-3 under 35 U.S.C. 103(a) as unpatentable over Lannen (U.S. Patent No. 5,497,412) in view of Gerba et al. (U.S. Patent Application Publication No. US 2002/0040389 A1).

The cited Office Action recites at page 2 that Lannen does not disclose a hexadecimal check digit calculation procedure, and further asserts that such procedure is taught in Gerba. The present application claims priority to February 17, 2000 through U.S. Provisional Pat. Application No. 60/183,279, as recited at page 1, lines 9-11 of the present application. The earliest priority date for Gerba is seen to be October 3, 2000. By those comparative dates, Gerba cannot be considered prior art against the present application. Because claim 1 recites a hexadecimal check digit calculation procedure that the Office Action admits is not taught in Lannen, the prior art is not seen to disclose, teach or suggest each and every element of claim 1, and it should therefore be allowable. Claims 2-3 depend from claim 1 and should be patentable for that reason also.

In a Response dated April 18, 2003, the Applicant argued at page 5:

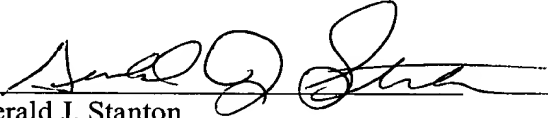
“It is respectfully submitted that one skilled in the art, when presented by the disclosure of Lannen et al., as it pertains to a prior art ESN expressed in 8 ASCII hex digits (end of column 18), and the prior art modulus 10 Luhn formula (Annex B of ANSI/ISO/IEC 7812-1-1993), would not be lead to the subject matter found in claim 1, i.e., a mobile station:...”

The relevant prior art of record includes Lannen's disclosure of an electronic serial number using 8 ASCII hex digit format (table following col. 18) and a modulus 10 Luhn formula (page 5, lines 14-24 of the Application), but no teaching as to a hexadecimal check digit calculation procedure (modulus 16) as in claim 1. This same point has been

argued in Applicant's Responses dated November 25, 2002; April 18, 2003; Request for Continuing Examination dated August 25, 2003; and in this Response. The various Office Actions have asserted different sources of prior art in response to those arguments. In no instance has the prior art reasonably taught or suggested that at least a six digit hexadecimal serial number representation SNR is used with a hexadecimal check digit calculation procedure so as to insure backwards compatibility, as particularly recited in claim 1. Gerba also fails on that score. It is reasonable for the Applicant to now be granted closure on this issue consistent with that record; allowance of claim 1.

The Applicant respectfully requests that the Examiner withdraw the rejections to claims 1-3, and pass claims 1-5 to issue without additional delay. Should any further matters remain unresolved, the undersigned welcomes the opportunity to discuss them via telephone at the Examiner's discretion.

Respectfully submitted:


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 21, 2004
Date


Anne Okrentowich